

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 16 1998

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Van D. Goodall, Jr.
President
KRZI, Inc.
P.O. Box 8093
Waco, TX 76714-8093

Re: Request for Waiver of Regulatory Fees

Dear Mr. Goodall:

This is in response to your request for a waiver of the Fiscal Year 1997 (FY) regulatory fees for Radio Stations KRZI(AM), Waco, Texas and KEYR(FM), Marlin, Texas. You maintain that the stations are delinquent in their taxes, that they are attempting to work out an installment payment agreement to prevent a tax seizure, and that additional financial information will be submitted on request.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship". Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted in part, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon an applicant's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

Mr. Van D. Goodall, Jr.

Page 2

While the tax delinquency is evidence of financial hardship, without further and more complete documentation of KRZI's income and disbursements, it has failed to establish a compelling case of financial hardship. Therefore, your request for waiver of KRZI's regulatory fees is dismissed.

Payment of the FY 1997 regulatory fees of \$1,000 for Class B AM Radio Station KRZI, and \$400 for Class A FM Radio Station KEYR are now due. The aggregate fee of \$1,400 should be filed together with an FCC Form 159 (copy enclosed) within 30 days from the date of this letter. However, in view of your allegations of financial hardship, in the alternative, you may file a request to defer payment of the fees and a new request for waiver, together with appropriate supporting documentation.

If you have any questions concerning the payment of KRZI, Inc.'s regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

Enclosure

News-Talk Radio
1580 KRZI AM

KEY 92 FM
THE BEST OF YESTERDAY AND TODAY

000000 BCB - 98 - 029

September 18, 1997

Office Of The Managing Director
Federal Communications Commission
1919 M Street N.W.
Washington, D.C. 20554

Dear Sir or Madame:

This letter is being written to request a waiver of regulatory fees for fiscal year 1997 for stations KRZI(AM), Waco, Texas and KEYR(FM), Marlin, Texas.

The licensee of the above stations, KRZI, Inc., is experiencing financial difficulties making it difficult to meet all of its financial obligations.

Presently, the corporation owes approximately \$18,000 in federal taxes and hopes to workout an installment agreement to prevent seizure.

We are working to prepare additional financial data, available to you upon request at a later date.

If you have any questions, please let me know.

Sincerely,



Van D. Goodall, Jr.
President
KRZI, Inc.

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

RECEIVED

July 9, 1998

OCT - 8 1998

OFFICE OF
MANAGING DIRECTOR

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Barry D. Wood, Esquire
Wood & Brinton, Chartered
2300 M Street, N.W.
Suite 900A
Washington, D.C. 20037

Re: Request for Exemption from Regulatory Fee
La Radio Cristiana Network, Inc.

Dear Mr. Wood:

This is in reply to the petition for waiver of the Fiscal Year (FY) 1997 regulatory fee, that you filed on behalf of La Radio Cristiana Network, Inc. (LRCN), licensee of Radio Station KERB(AM) and KERB-FM. You maintain that the stations have not made a profit, and that they are dependent on donations from members of the community for support.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship". Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995). The Commission further held that regulatees can establish financial need by submitting:

[I]nformation such as a balance sheet and profit and loss statement (audited, if available), a cash flow projection . . . (with an explanation of how calculated), a list of their officers and their individual compensation, together with a list of their highest paid employees, other than officers, and the amount of their compensation, or similar information.

10 FCC Rcd at 12761-2762.

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

In view of your representations that LRCN is dependant on donations from members of the community, it appears that LRCN may qualify for an exemption as a nonprofit entity. In establishing the regulatory fee program, Congress provided an exemption from the fee requirement for nonprofit entities. 47 U.S.C. § 159(h). In reconsidering the rules implementing the fee program, 10 FCC Rcd supra at 12764, the Commission amended Section 1.1162(c) of the Rules, 47 C.F.R. § 1.1162(c), to exempt from regulatory fees:


. . . an organization duly qualified as a nonprofit, tax exempt entity . . . or an entity with current certification as a nonprofit corporation or other nonprofit entity by a state or other governmental authority.

However, in order to qualify for a refund, the Commission requires regulatees to submit documentation of their non-profit status with a Section 501 letter from IRS, papers showing incorporation as a non-profit entity, or similar documentation.

In the absence of appropriate documentation, you have failed to establish either a compelling case of financial hardship or a basis for an exemption. Therefore, your request for waiver of the FY 1997 regulatory fees for Radio Stations KERB(AM) and KERB-FM is dismissed. The FY 1997 regulatory fees of \$1,000 for AM Radio Station KERB and \$200 for Radio Station KERB-FM are now due. The total fee of \$1,200 should be filed, together with a Form FCC 159 (copy enclosed), within 30 days from the date of this letter. In view of your allegations, the payment may be accompanied by a request for an exemption or for waiver, and for a refund of the fees with supporting documentation. In the alternative, you may file requests for exemption or for waiver, and further deferral of the regulatory fees, together with relevant documentation.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,


Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

Enclosure

SEP 19 1997

JERRY

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re petition of)
LA RADIO CRISTIANA)
NETWORK, INC.)
KERB AM/FM, Kermit, Texas)
For exemption from)
Regulatory Fees)

RECEIVED
SEP 23 3 30 PM '97
FEDERAL COMMUNICATIONS COMMISSION

To: The Managing Director

PETITION FOR EXEMPTION FROM REGULATORY FEES

La Radio Cristiana Network, Inc. ("LRCN"), by its attorneys, hereby petitions for exemption from the FCC's 1997 regulatory fees with respect to stations KERB AM/FM, Kermit Texas.

LRCN acquired KERB on September 15, 1997, pursuant to prior Commission approval. These stations are the only broadcast outlets licensed to Kermit, which is located in the far western part of Texas.

The population of Kermit is merely 6,875. The entire population of Winkler County (of which Kermit is the county seat) is only 8,626. Thus, it is not surprising that Mesa Entertainment, Inc., the former owner of the stations, was unable

to make a success of a commercial operation in this tiny market, and finally sold out at a loss.

LRCN does not plan to rely on income from commercial advertising in operating KERB. Rather, the stations have been and will be dependent on contributions from listeners in order to pay the operating expenses of this modest facility.

KERB presents a case of financial hardship, as equipment breakdowns have already imposed significant burdens on the licensee. Even in advance of the closing, the station's transmitter failed and the former licensee was unable to replace it. Therefore, it fell to LRCN to install a new transmitter in order to maintain service to the public.

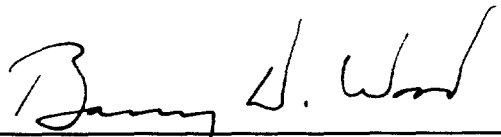
Even so, the stations have been off the air for extended periods of time twice in the past week. With a silent station, there are obviously no listeners, and no donations from listeners to support the operation. Accordingly, it would represent a financial hardship at this time for LRCN to have to pay regulatory fees in respect of the Kermit stations.

As the FCC has recognized, where a "petitioner presents a compelling case of financial hardship," the regulatory fee will be waived. *Implementation of Section 9 of the Communications Act*, 9 FCC Rcd 5333, 5346 (1994).

In view of the foregoing, the Commission is hereby requested to exempt KERB(AM) and KERB-FM from the burden of paying regulatory fees for fiscal year 1997.

Respectfully submitted,

**LA RADIO CRISTIANA
NETWORK, INC.**

By: 
Barry D. Wood
Paul H. Brown

**WOOD & BRINTON,
CHARTERED**
Suite 900A
2300 M Street, N.W.
Washington, D.C. 20037
(202) 293-5333

Dated: September 19, 1997

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

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OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Jane Campbell, Secretary/Treasurer
Lonerock Television Company
Lonerock Route
Condon, Oregon 97823

Re: Fee Control # 9407278835014024
9509088835467010

Dear Ms. Campbell:

This will respond to your request for waiver and refund of application fees filed on behalf of Lonerock Television Company ("Lonerock").

You represent that Lonerock is "a local cooperative formed to provide some television to an isolated, rural area" by rebroadcasting the signals of "KEPR Channel 19, from Pasco, Washington on a translator station of less than 1 watt of power." Given Lonerock's status as a cooperative that provides rebroadcast signals to a remote community, you seek a waiver and refund of the fees it paid in connection with its past renewal applications.

At the outset, it should be noted that the standards governing exemption from the Commission's application fees established by Congress in Section 8(d)(1) of the Communications Act, 47 U.S.C. § 158(d)(1), differ significantly from the standards that Congress established for exemption from regulatory fees in Section 9(h) of the Communications Act, 47 U.S.C. § 159(h). Exemption from the application fees, as reflected in Section 1.1114 of the Commission's rules, 47 C.F.R. § 1.1114, is limited to very narrow categories of non-profit entities, unlike the exemption from regulatory fees provided in Section 9(h) of the Act for all non-profit entities.

Given the broader exemption authority under Section 9, the Commission has exempted, from the regulatory fee requirement, community based translators, based on its finding that such translators "are generally not affiliated with commercial broadcasters, are nonprofit, non-profitable, or only marginally profitable, serve small rural communities, and are supported financially by the residents of the communities served." See Assessment and Collection of Regulatory Fees for Fiscal Year 1997, 12 FCC Rcd 17161, 17244 (1997). In contrast, however, the Commission has declined to adopt blanket exemptions from the application fee requirement beyond that which Congress specifically has legislated under Section 8(d)(1). See Establishment of a Fee Collection Program, 2 FCC Rcd 947, 961 (1985); see also 47 C.F.R. § 1.1117(b).

The Commission nevertheless will consider waiving the application fee requirement on a case-by-case basis, where it has been shown that good cause exists and the public interest will be served by such a waiver. See 47 U.S.C. § 8(d)(2); 47 C.F.R. § 1.1117. In order to make such a showing,

Ms. Campbell

Page 2

Lonerock should present documentation that demonstrates that it is run on a non-profit, or marginally profitable basis, that payment of the application fees represents a financial hardship, and that a waiver will serve the public interest, by enabling Lonerock to continue to meet the community's broadcast needs. If presented with such documentation, the Office of Managing Director would favorably consider granting Lonerock a waiver and refund of the application fees paid.

Based on the foregoing, your request for waiver of the application fee requirement and refund of the application fees paid is denied without prejudice, and will be reconsidered upon your submission of the necessary documentation. If you have any questions concerning this matter, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Reger", written in a cursive style.

Mark Reger
Chief Financial Officer

~~12-11-96~~
Holly

August 15, 1996

Lonerock Television Company
Lonerock Route
Condon, OR 97823

Managing Director
Federal Communications Commission
1919 M Street, NW, Room 852
Washington, D.C. 20554

RE: Lonerock Television Company, K10CR

Dear Sir:

The Lonerock Television Company is a local cooperative formed to provide some television to an isolated, rural community. We rebroadcast KEPR Channel 19 from Pasco, Washington on a translator station of less than 1 watt of power. Due to myself, the Secretary/Treasurer, not fully understanding the license renewal process, fees were sent with the last two renewal applications. After reading more information on the application, I feel we may qualify for a fee waiver. If that is the case, I was wondering if the Lonerock Television Company could receive refunds for fees paid. A fee of \$135 was paid July 5, 1994 and a fee of \$170 was paid August 11, 1995.

Thank you for consideration in this matter.

Sincerely,

Jane Campbell

Jane Campbell
Secretary/Treasurer

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
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9407278835014024	LONEROCK TELEVISION CO LONEROCK CT	5033843196	07/11/94
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LONEROCK OR 97823

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$135.00	\$135.00	1	MSTN	1	K10CR	\$			\$135.00	1	PMT
Total									\$135.00		

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9509088835467010	LONEROCK TELEVISION COMPANY LONEROCK ROUTE	0931176361	09/07/95

CONDON OR 97823

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$170.00	\$170.00	1	MLPN	1	K10CR	LONEROCK TELEVISION COMPANY			\$170.00	1	PMT
Total	1								\$170.00		

Payment Transactions Detail Report

Date: 8/4/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9407278835014024	LONEROCK TELEVISION CO LONEROCK CT	5033843196	07/11/94

LONEROCK OR 97823

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$135.00	\$135.00	1	MSTN	1	K10CR	\$			\$135.00	1	PMT
Total	1								\$135.00		

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

David Tillotson, Esquire
3421 M Street, N.W.
Suite 1739
Washington, D.C. 20007

Re: Starview Media, Inc.
Fee Control # 9712248165898001

Dear Mr. Tillotson:

This will respond to your request for refund of a filing fee paid on behalf of Starview Media, Inc., ("Starview") licensee of Station WHTR(FM), in connection with its request to change its call sign.

You represent that because Starview withdrew its request before it was processed that it is entitled to a refund. According to our records, the request for a call sign change was received on December 23, 1997. You have enclosed a letter dated December 30, 1997, which withdrew the request.

The Commission's rules generally do not provide for the refund of a filing fee upon the withdrawal of an application. See 47 C.F.R. § 1.1113. Moreover, the Commission has explicitly stated that a refund would not be granted once an application has cleared the fee review process, irrespective of the substantive disposition of the application. See Establishment of a Fee Collection Program, 2 FCC Rcd 947, 949 (1987), recon. denied, 3 FCC Rcd 5987 (1988). Where applications have been withdrawn after completion of the fee review process, requests for refund have been denied. See, e.g., Public Notice, 9 FCC Rcd 2223, 2240-41 (M.D. 1994); Public Notice, 9 FCC Rcd 356, 363 (M.D. 1993); Public Notice, 8 FCC Rcd 8258, 8263 (M.D. 1993). Given that Starview did not withdraw its application until after the completion of the fee review process, it is not entitled to a fee refund, irrespective of whether the underlying fee change request was processed or not.

Accordingly, your request for refund is denied. If you have any questions concerning this matter, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Philip L. Verveer, Esquire
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20554

Dear Mr. Verveer:

This is in response to your request for waiver and refund of fee submitted by Loral SpaceCom Corp. (Loral) with its application for expedited authority to launch and operate a space station.

You state that Loral filed its application and fee payment in the amount of \$85,045 in order to obtain authority to launch and operate a ground spare satellite as an emergency replacement for a satellite that suffered a catastrophic on-orbit failure.

You contend, inter alia, that the waiver is justified because, as a request for replacement of an authorized satellite, the Commission will incur little or no costs in processing the application. In support, you state that the satellite will be operationally identical to the satellite it will replace and that most activities associated with the processing of its application have already been completed.

We are aware that the fee submitted by Loral to cover its application for a replacement satellite is substantial, and that Congress has granted the Commission narrow authority to waive or reduce the fees contained in the schedule of fees governing applications and other filings. Further, we note that those fees represent a Congressional judgment on the appropriate fee for each particular application or filing subject to a fee. As such, there will frequently be individual cases where the cost burden on the Commission's processes will be more or less than the required fee. In these circumstances, the Commission, except in the most compelling circumstances, retains the fee payment in its entirety.

In the case of Loral, we recognize that the fee required bears scant relationship to the resources required to process its replacement satellite's authorization because much of the processing is insignificantly different from that required for its initial satellite. However, the Commission does incur costs in the processing of an application to launch and operate a replacement satellite.

Mr. Philip L. Verveer, Esquire

2.

In a similar instance, where Hughes Communications Galaxy, Inc. (Hughes) requested a reduction in the fees for the construction, launch and operation of a satellite to replace a satellite destroyed during launch, its fees were reduced to the fee amount applicable to an application to modify a space station authorization. See letter to James F. Rogers from Marilyn J. McDermott, Associate Managing Director, dated April 11, 1994. Thus, we will adjust Loral's fee to \$6,075, the amount required for an application to modify a space station authorization at the time Loral filed its replacement application.

Accordingly, for good cause shown, your request is granted to the extent specifically indicated above. We will assess Loral a fee of \$6,075 to cover its authority to launch and operate its replacement satellite. Therefore, Loral is entitled to a refund of \$78,970. A check made payable to the maker of the original check and drawn in the amount of \$78,970 will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief, Financial Officer

Payment Transactions Detail Report

Date: 1/15/98

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9704148210135001	LORAL SPACECOM CORP LORAL SKYNET 600 THIRD AVENUE NEW YORK NY 10016	0133867427	04/11/97

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$85,045.00	\$85,045.00	1	BNY	1	65SATP95	LORAL SPACECOM CORP			\$85,045.00	1	PMT
Total									\$85,045.00		

WILLKIE FARR & GALLAGHER

Washington, DC
New York
London
Paris

April 11, 1997

Andrew S. Fishel
Managing Director
Office of Managing Director
Federal Communications Commission
Room 852, Stop Code 1100
Washington, D.C. 20554

Re: Request for Refund of Fee for Application to Launch and Operate Emergency Replacement Satellite

Dear Mr. Fishel:

Pursuant to Section 1.1117 of the Commission's Rules, 47 C.F.R. § 1.1117, Loral SpaceCom Corp. ("Loral SpaceCom"), by its attorneys, respectfully requests a waiver of the Commission's fee requirements and an expedited refund of the \$85,045 fee that Loral SpaceCom is submitting today with its emergency request to launch and operate its ground spare at 93° W.L. The ground spare will serve as an emergency replacement for Telstar 401, which suffered a catastrophic on-orbit failure on January 11, 1997.¹

In 1988, the Commission granted authority to AT&T to construct, launch and operate two hybrid C/Ku-band satellites, Telstars 401 and 402, at 97° W.L. and 89° W.L., respectively, and to construct a ground spare, denoted Telstar 403.² Telstar 401 was launched successfully and became operational on February 1, 1994. On July 14, 1994, prior to the launch of Telstar 402, AT&T requested the authority, and paid the requisite fee, to launch and operate the ground spare, Telstar 403, at 93° W.L.³

¹ As the Commission is aware, on January 17, 1997, the International Bureau consented to the assignment of all the authorizations used in the SKYNET Satellite Services business from AT&T Corp. ("AT&T") to Loral SpaceCom Corp. In re Application of AT&T Corp. and Loral SpaceCom Corp., Order and Authorization, 12 FCC Rcd 925 (1997). That assignment was consummated on March 14, 1997.

² In re American Telephone and Telegraph Company, Order and Authorization, 3 FCC Rcd 6980 (1988).

³ Application of AT&T Corp. for Authority to Launch and Operate Telstar 403 in the Domestic Fixed-Satellite Service, File No. 48-DSS-LA-94 (filed July 14, 1994).

Three Lafayette Centre Telex: RCA 229800
1155 21st Street, NW WU 89-2762
Washington, DC 20036-3384 Fax: 202 887 8979
202 328 8000

Andrew S. Fishel
Managing Director
April 11, 1997

On September 8, 1994, Telstar 402 was launched, but failed shortly after launch. AT&T redesignated as Telstar 402R, the ground spare that was to have been Telstar 403 and obtained the Commission's authorization to launch and operate this ground spare in the 89° W.L. orbital position as an emergency replacement for Telstar 402.⁴

On February 15, 1995, AT&T filed an application to amend its Telstar 403 application and for authority to construct, launch and operate 3 new satellites, Telstars 5, 6, and 7, and to construct a ground spare, Telstar 8. Telstar 5 was to be substituted for Telstar 403. Because the fee for Telstar 403 had already been paid, AT&T remitted the requisite fees to construct launch and operate 2 additional satellites as well as the fee to construct a ground spare. However, the Commission only authorized AT&T to construct, launch and operate Telstars 5 and 6 and to construct a ground spare, Telstar 8 (later redesignated as Telstar 7).⁵ As such, fees for authority to construct, launch and operate have been paid for 3 satellites, but only 2 were authorized. The surplus fee could be applied to the application to launch and operate the emergency replacement for Telstar 401.

The loss of Telstar 401 has imposed substantial costs on Loral SpaceCom, as well as its customers and users of satellite communications generally. The public interest would be served if further unnecessary costs were avoided by a waiver of the fee for the emergency application to launch and operate the Telstar 7 ground spare. Moreover, a waiver is justified because, as a request for emergency replacement with an already-authorized satellite, the Commission will incur little or no cost in processing the application. Under these circumstances, the Commission should exercise its discretion and grant a waiver and refund because strict compliance with the rules would be inconsistent with the purposes underlying the fees and the public interest.⁶

Because Telstar 7 will be operationally identical to the Telstar 5 and 6 satellites just authorized by the Commission on May 7, 1996, most activities associated with authorizing this

⁴ In re Application of American Telephone and Telegraph Company, Order and Authorization, 10 FCC Rcd 12132 (1995).

⁵ In re Applications of AT&T Corp., Memorandum Opinion and Order, 11 FCC Rcd 15038 (1996) at ¶ 13.

⁶ Cf. Northeast Cellular Telephone Co. v. FCC, 897 F.2d 1164 (D.C. Cir. 1990).

Andrew S. Fishel
Managing Director
April 11, 1997

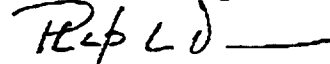
replacement satellite have already been completed.⁷ Accordingly, the processing associated with the emergency application will be ministerial and minimal, at most. In light of the slight burden that this emergency replacement application places on the Commission and the substantial costs that the public and Loral SpaceCom have sustained because of the loss of Telstar 401, waiver of the fee requirement, and a refund of the fee, would promote the public interest.

If you have any questions regarding this waiver request or the associated application, please contact:

R. Victor Bernstein
VP and General Counsel
Loral SKYNET
Room 2A120J
900 Routes 202/206 North
Bedminster, NJ 07921

Thank you for your prompt consideration of this matter.

Respectfully submitted,



Philip L. Verveer
Willkie Farr & Gallagher
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20554
(202) 328-8000

cc: William F. Caton
Peter Cowhey
Thomas S. Tycz
Fern J. Jarmulnek
Cassandra Thomas
Karl Kensinger
Michael McCoin
Harry Ng
Kathleen Campbell

⁷ An updated technical analysis has been appended to the replacement application.

LORAL

Space & Communications Ltd.

1755 Jefferson Davis Hwy.
Suite 1007
Arlington, VA 22202-3501
(703) 414-1060
Fax: (703) 414-1079

John P. Stern
Associate General Counsel

January 14, 1998

Via Facsimile

Thomas Putnam
Financial Specialist
Office of Managing Director
Federal Communications Commission
Room 852, Stop Code 1100
Washington, DC 20554

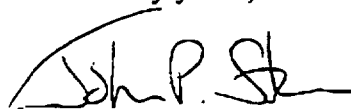
**Re: Status of Request for Expedited Refund of Satellite Application Fee
Filed April 11, 1997**

Dear Mr. Putnam:

Per our conversation today, enclosed is a copy of the request for an expedited refund of the satellite application fee which was submitted by Loral SpaceCom Corp. ("Loral") to the Commission by letter dated April 11, 1997. The International Bureau granted Loral's request for authority to launch Telstar 5, the emergency replacement satellite for which the fee refund request was made, on May 23, 1997. Telstar 5 was launched on May 24, 1997.

Thank you for your pledge to locate and expedite action on our pending refund request. If you have any questions or need any additional information, please call me at (703) 414-1060.

Sincerely yours,



John P. Stern

Enclosure

cc: Victor Bernstein
George Wazeter

LORAL

Space & Communications

1755 Jefferson Davis Highway, Suite 1007
Arlington, VA 22202

Fax Cover Sheet

DATE: January 14, 1998

TO:

TO: Thomas Putnam

FAX: (202) 418-2843

cc: Victor Bernstein

FAX: (908) 234-7940

George Wazeter

FAX: (908) 234-7940

FROM: John Stern

PHONE: (703) 414-1060

FAX: (703) 414-1079

RE:

Number of pages including cover sheet: [5]

Message

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 14 1998

Mr. George A. Mayoral
General Manager
Radio Station WSLA
MAPA Broadcasting, L.L.C.
38230 Coast Blvd.
P.O. Box 1175
Slidell, LA 70459

RECEIVED
OCT - 8 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Request for Waiver of Regulatory Fee
Fee Control # 9709258835114008
Fee Paid: \$400

Dear Mr. Mayoral:

This is in response to your request for waiver or reduction of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station WSLA, Slidell, Louisiana, licensed to MAPA Broadcasting, L.L.C. Please forgive our failure to respond to your request in a more timely manner.

You maintain that WSLA is a daytime only 1 Kw station whose operation is restricted by more powerful stations on adjacent channels, and that its \$1,400 fee is unreasonable when compared with fees paid by competitive stations which serve larger populations and have substantially greater earnings. MAPA Broadcasting paid an FY 1997 fee of \$400.

The fee schedule considers both the class of station (quality of service) and the size of population served. Moreover, the ratio between the fees paid by different classes of licensees, is based on the differentiation in fees paid by different classes of station in the FY 1994 fee schedule which was established by Congress. Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5381 (1994).

Congress also established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary

Mr. George A. Mayoral

2

service area. However, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we have decided to use the city grade contour to calculate FY 1998 radio regulatory fees. However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour. Accordingly, your request for waiver or reduction of the regulatory fee is denied.

MAPA Broadcasting, L.L.C. paid \$400 in FY 1997 regulatory fees for AM Radio Station WSLA. The unpaid balance of \$1,000 is now due. The unpaid balance of the fee should be filed together with a Form FCC 159 (copy enclosed) within 30 days from the date of this letter.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

Enclosure

000000BCB-97-074

AUDIO SERVICE
DIVISION

WSLA

MAPA Broadcasting L.L.C. Station #1560 AND WSLA • 38230 Coast Blvd., P.O. Box 1175, Slidell, LA 70459 • (504) 643-1560

August 29, 1997

Federal Communications Commission
919 M. Street, N.W.
Washington, D.C. 20554

Concerning FY 1997 MASS MEDIA REGULATORY FEES, issued by FCC on August 1, 1997.

Comes now Station WSLA in Slidell, Louisiana, a small community operation licensed under FCC regulatory restrictions, and states that payment of Regulatory Fees as contained in such Public Notice must be made under the strongest, most vigorous **PROTEST**.

The Commission's Regulatory Fees as contained in the Public Notice, are based apparently upon population figures determined by station's theoretical coverage, without regard to FCC's own regulatory restricted access to said population.

WSLA-AM is severely restricted in it's hours of operation and is restricted by FCC action from full access to available audience. The figure of 1,224,613 population, upon which fee of \$1,400.00 is based does not take into account the many restrictions, FCC imposed, that prevent access to said population by WSLA.

It is obvious by reference to all available information that the population figure indicated in FY 1997 is based in the New Orleans area. However, the FCC has licensed a 50 kw operation on

870 kc and a 10 kw operation on 690 kc in New Orleans. The sum of both carrier frequencies is 1560 kc, upon which WSLA is licensed to operate from thirty miles away. This constitutes a severe negative impact upon WSLA's access to New Orleans coverage. Additionally the Commission licenses an operation on 1540 kc, a mere 20 kc from 1560, right across the river from downtown New Orleans. To include this audience as among WSLA's coverage is negated by FCC's own regulations. And, most important, WSLA's hours of operation are restricted by the same regulatory powers for which WSLA is now being taxed.

WSLA coverage population figure is closer to 60,000 than to 1,200,000. Coverage to the East is restricted by 1570 operation in nearby Mississippi. Coverage to the West is restricted by 1550 operation in nearby Hammond, Louisiana. Thus, we respectfully submit to the Commission that the regulation fee assigned to WSLA is unfair, incorrect, confiscatory and unconstitutional. It amounts to almost forty percent of the stations monthly income.

As comparison, station WLTS-FM (of which we have some knowledge by previous history) with unrestricted coverage of it's assigned audience, has been moved to New Orleans and has a monthly income of \$60,000 plus. It has been assigned a Regulatory Fee of \$2,000.00

To base Regulatory Fees on population counts within coverage contours without regard for otherwise imposed restrictions by FCC, results in completely untenable circumstances.

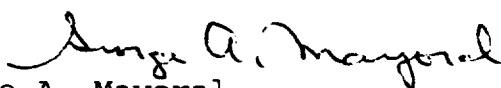
FY 1997 MASS MEDIA REGULATORY FEES PUBLIC NOTICE contains very

many unfair assessments that do not account for the true picture. If sustained, it could mean the end of many small operations that today exist from hand to mouth but give employment to hundreds of Americans, and provide the only local service to their community.

WSLA prays that this matter will be reconsidered by the FCC and that a more equitable fee assessment be evolved. That WWL-AM with unrestricted 50 kw operation with over six million dollars of yearly business be assessed \$2,000.00 in Regulatory Fee, while WSLA, daytime operation with 1 kw power highly restricted, be assessed \$1,400.00 is highly unfair, incorrect, confiscatory and unconstitutional.

If you feel it would be helpful, we could ask each Commissioner and our local Congressman, Bob Livingston, to assist in this matter.

Sincerely,


George A. Mayoral
General Manager

GAM/cb

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

OCT - 8 1998

OFFICE OF
MANAGING DIRECTOR

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

June 23, 1998

Mr. Ken W. Sibley
President
Magnolia Broadcasting Company
131 S. Jackson Street
Magnolia, AR 71753

Re: Request for Review of Regulatory Fee
Fee Control # 9709198835434008
Fee Paid: \$1,250

Dear Mr. Sibley:

This is in response to your request for review and reduction of the Fiscal Year (FY) 1997 regulatory fee for AM Radio Station KVMA, Magnolia, Arkansas, licensed to Magnolia Broadcasting Company. KVMA is a 1 KW, daytime only station, that was assessed a regulatory fee for serving 708,030 people. You argue that the assessed fee does not reflect the appropriate fee for a rural daytime only station.

In developing the FY 1997 fee schedule, the Commission considered the class of station as a factor in determining the appropriate fee. Thus, a daytime only station would pay a lower fee than a full time station serving the same population.

The FY 1997 regulatory fees for all AM stations were derived by calculating the populations within the 0.5 mV/m contour of each individual station, which is their daytime protected service contour. The 0.5 mV/m contour extends beyond and includes populations not within a licensee's primary service area. However, Congress established the total amount of fees that we are to collect for all services for FY 1997 and our fee schedule is formulated to spread the burden of the total fee requirement equitably among the various categories of fee payers, including broadcast licensees. Therefore, as a matter of equity, recalculating a station's service area using a different contour for measuring population would require recalculating the service areas, populations, and fees, at a minimum, for all radio broadcast stations, in order to insure the Commission's ability to collect the required amount in fees and that licensees are treated equally.

We recognize that some broadcasters believe that the city grade contour which each licensee is required to place over its community of license may be a better reflection of the "core" population served by that station, and we contemplate using the city grade contour to calculate FY 1998 radio regulatory fees.

Mr. Ken W. Sibley

2.

However, the 0.5 mV/m contour is appropriate for calculating the FY 1997 regulatory fees because that contour represents the area in which listeners receive the station's protected signal. Thus, the Commission will not reduce, on an ad hoc basis, an individual station's regulatory fee solely because its population served would be lower had we relied on a different service contour.

Accordingly, your request for review of your regulatory fee is denied. If you have any further questions about the fee program, you can call the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

9709198835434008

KVMA

OCT 20 1997

FCC MAIL ROOM

131 S. Jackson Box 430
AM 630 FM 108
MAGNOLIA • ARKANSAS
234-5862 / FAX - 234-5865

October 14, 1997

Mr. William F. Caton
ATTN: Managing Director
Acting Secretary
Federal Communications Commission
1919 M. Street, N.W.
Washington, DC 20554

Dear Mr. Caton:

I am writing concerning our 1997 Regulatory Fees from the Commission in regard to our daytimer AM Facility, KVMA-AM, 630, 1kw in Magnolia, Arkansas.

Upon receiving the Public Notice with the fee schedule attached I contacted the commission immediately and was told to contact Dataworld as to the fact that I thought that a mistake was made.

I did so and have not heard any response from them at this time.

The Public Notice says that KVMA-AM, a 1KW, Daytimer, reaches a population totalling 708,030. The population of the state of Arkansas is just over 2 million...I can assure you that our Daytime AM does not reach over 700 thousand people when the same report shows that our FM, KVMA-FM a C1 reaches only just over 106 thousand people.

In the past our fee for the AM has been in the vicinity of three hundred dollars.

We respectfully request a review of this charge and an adjustment downward to reflect what should really be charged to a daytime only facility in rural South Arkansas.

Respectfully yours,

Ken W. Sibley
Ken W. Sibley
President/General Manager

Oct 21 10 10 AM '97
AUDIO SERVICES
DIVISION

Payment Transactions Detail Report

Date: 11/10/97

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709198835434008	MAGNOLIA BROADCASTING COMPANY 131 SOUTH JACKSON STREET	FCC2043584	09/17/97

MAGNOLIA AR 71753

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$1,250.00	\$1,250.00	2	MUB7	1	KM5060	MAGNOLIA BROADCASTING COMPANY	71753		\$25.00	1	PMT
\$1,250.00	\$1,250.00	1	MGE7	1	KVMAAM	MAGNOLIA BROADCASTING COMPANY	71753		\$1,200.00	1	PMT
\$1,250.00	\$1,250.00	3	MUB7	1	WLG970	MAGNOLIA BROADCASTING COMPANY	71753		\$25.00	1	PMT
Total	3								\$1,250.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 19, 1998

OFFICE OF
MANAGING DIRECTOR

David D. Oxenford, Esquire
Fisher, Wayland, Cooper, Leader
& Zaragoza
2001 Pennsylvania Avenue, N.W.
Suite 400
Washington, D.C. 20006

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Refund of Hearing Fee
New FM Station at Manteo, NC

Dear Mr. Oxenford:

This is in response to your request for refund of the fee submitted in the above-referenced matter.

Your request is granted. We have reviewed the facts surrounding your filing and have concluded that a refund is warranted pursuant to Section 1.1113 of the Commission's rules. 47 C.F.R. §1.1113. The subsection checked below is specifically applicable to your request.

- _____ No fee is required for the above-referenced submission (§ 1.1113(a)(1)).
- _____ An insufficient fee has been submitted with the application/filing (§1.1113(a)(2)).
- _____ The applicant cannot fulfill the prescribed age requirement (§1.1113(a)(4)).
- _____ The Commission had adopted a new rule that has nullified the application after its acceptance for filing (§1.1113(a)(4)).
- _____ A new law or treaty has rendered useless a grant or other positive disposition of the application (§1.1113(a)(4)).
- _____ The application was not timely filed in accordance with the filing window as established by the Commission (§1.1113(a)(6)).
- _____ In the case of a broadcast applicant, the application was granted without being designated for hearing (§1.1113(b)(1)).

- _____ In the case of a broadcast applicant, the application was dismissed prior to designation for hearing or in the order designating the case for hearing (§1.1113(b)(2)).
- _____ In the case of a broadcast applicant, the application was dismissed for failure to file a Notice of Appearance (§1.1113(b)(2)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding to file a Notice of Appearance and the application was immediately grantable (§1.1113(b)(3)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding who filed a Notice of Appearance and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1113(b)).
- X _____ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for the dismissal of all but the above-referenced application, and the application was immediately grantable (§1.1113(b)(4)).
- _____ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for dismissal of all but the above-referenced application and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1113(b)(4)).

A check, made payable to the maker of the original check and drawn in the amount of \$6,760, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section, at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

Holby

9307198170025003

ORIGINAL

FISHER WAYLAND COOPER LEADER & ZARAGOZA L.L.P.
2001 PENNSYLVANIA AVENUE, N.W.
SUITE 400

WASHINGTON, D.C. 20006-1851

TELEPHONE (202) 659-3494

March 10, 1998

DAVID D. OXENFORD
(202) 775-3546

FACSIMILE
(202) 296-6518

INTERNET
doxenford@fwclz.com

WEBSITE
<http://www.fwclz.com>

VIA HAND DELIVERY

Office of the Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, D.C. 20554

Re: Refund of Hearing Fee
New FM Station at Manteo, North Carolina
Manteo Broadcasting, Inc.
File No. BPH-930309MM

Dear Sir or Madam:

On behalf of Manteo Broadcasting, Inc. ("Manteo"), former applicant for a new FM station on Channel 251C2 at Manteo, North Carolina, we hereby request a refund of the \$6,760.00 hearing fee paid to the Commission in connection with the above-referenced application. See Attachment A. Pursuant to a Joint Request for Approval of Settlement Agreement and Grant of Amended Application filed with the Commission on January 30, 1998, the applicants for this frequency have agreed to settle this proceeding and dismiss Manteo's application. Accordingly, Manteo respectfully requests a refund of monies paid to the Commission for a hearing in this proceeding.

Please direct any questions concerning this matter to the undersigned.

Very truly yours,

David D. Oxenford

ATTACHMENT A

FCC/MELLON JUL 16 1993

FISHER, WAYLAND, COOPER AND LEADER

1255 TWENTY-THIRD STREET, N.W.

SUITE 800

WASHINGTON, D. C. 20037-1170

TELEPHONE (202) 659-3494

TELECOPIER (202) 296-6518

WRITER'S DIRECT NUMBER

BEN C FISHER
 GROVER C COOPER
 MARTIN R LEADER
 RICHARD R ZARAGOZA
 CLIFFORD M HARRINGTON
 JOEL R KASWELL
 KATHRYN R SCHMELTZER
 DOUGLAS WOLOSIN
 DAVID D OXENFORD
 BARRY H GOTTFRIED
 ANN K FORD
 BRUCE D JACOBS
 ELIOT J GREENWALD
 CARROLL JOHN YUNG
 JOHN JOSEPH MCVEIGH
 BARRIE D BERMAN
 BRUCE F HOFFMEISTER
 SCOTT R FLICK
 FRANCISCO R MONTERO
 GREGORY L MASTERS*
 MATTHEW P ZINN
 ROBERT C FISHER
 LAUREN ANN LYNCH
 BRIAN J CARTER
 GLENN S RICHARDS
 KELLY D YAKSICH
 JOHN M BURGETT*
 SHARON L TASMAN*
 THERESA A SMYTH

BEN C FISHER

20037-1170
 JUL 16 1993
 CHARLES L WAYLAND
 19 01 987

OF COUNSEL
 JOHN C HEARN

(202) 775-3546

July 16, 1993

NOT ADMITTED IN D.C.

Mr. William F. Caton
 Acting Secretary
 Federal Communications Commission
 1919 M Street, N.W., Room 222
 Washington, D.C. 20554

Re: Hearing Fee, New FM
 Manteo Broadcasting, Inc. (originally
 Coastal Broadcasting Company, Inc.)
 Manteo, North Carolina
FCC File No. BPH-930309MM

Dear Mr. Caton:

Filed herewith, on behalf of Manteo Broadcasting, Inc., is the hearing fee of \$6,760 required in connection with the above-referenced application. This fee is submitted in response to the Notice of Acceptance for Filing of FM Broadcast Applications, Report No. NA-169, released May 14, 1993. That report set July 19, 1993 as the deadline for the submission of the hearing fee.

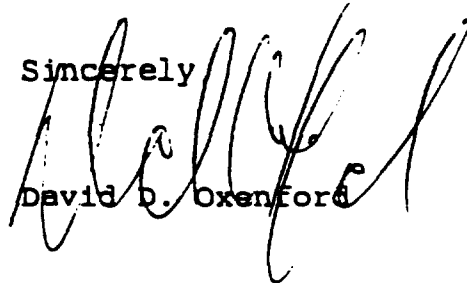
The above-referenced application was initially filed by Coastal Broadcasting Company, Inc. However, by amendment as of right filed on May 17, 1993, the applicant changed its name to Manteo Broadcasting, Inc., and made related changes. Therefore, continued processing of the application should be under the name of Manteo Broadcasting, Inc.

An FCC Form 155 accompanies this letter, along with the applicant's check in the amount of \$6,760.

Mr. William F. Caton
July 16, 1993
Page 2

Should there be any questions concerning this matter, please
contact the undersigned.

Sincerely

A handwritten signature in black ink, appearing to read "David D. Oxenford", written over the printed name.

DDO/vm
Enclosure

9736-001

FEDERAL COMMUNICATIONS COMMISSION
FEE PROCESSING FORM

FOR
FCC
USE
ONLY

Please read instructions on back of this form before completing it. Section I MUST be completed. If you are applying for concurrent actions which require you to list more than one Fee Type Code, you must also complete Section II. This form must accompany all payments. Only one Fee Processing Form may be submitted per application or filing. Please type or print legibly. All required blocks must be completed or application/filing will be returned without action.

SECTION I

APPLICANT NAME (Last, first, middle initial)

Manteo Broadcasting, Inc.

MAILING ADDRESS (Line 1) (Maximum 85 characters - refer to Instruction (2) on reverse of form)

c/o Fisher Wayland: DDO

MAILING ADDRESS (Line 2) (If required) (Maximum 85 characters)

1255 23rd Street, N.W., Suite 800

CITY

Washington

STATE OR COUNTRY (If foreign address)

DC

ZIP CODE

20037

CALL SIGN OR OTHER FCC IDENTIFIER (If applicable)

930309MM

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in FCC Fee Filing Guides. Enter in Column (B) the Fee Multiple, if applicable. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number entered in Column (B), if any.

(A)	(B)	(C)										
FEE TYPE CODE	FEE MULTIPLE (If required)	FEE DUE FOR FEE TYPE CODE IN COLUMN (A)	FOR FCC USE ONLY									
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M	W	R										
\$6,760.00												

SECTION II — To be used only when you are requesting concurrent actions which result in a requirement to list more than one Fee Type Code.

(A)	(B)	(C)										
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ADD ALL AMOUNTS SHOWN IN COLUMN C, LINES (1) THROUGH (5), AND ENTER THE TOTAL HERE. THIS AMOUNT SHOULD EQUAL YOUR ENCLOSED REMITTANCE.			<table border="1"><tr><td>TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING</td></tr><tr><td>\$6,760.00</td></tr></table>	TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING	\$6,760.00	<table border="1"><tr><td>FOR FCC USE ONLY</td></tr><tr><td></td></tr></table>	FOR FCC USE ONLY					
TOTAL AMOUNT REMITTED WITH THIS APPLICATION OR FILING												
\$6,760.00												
FOR FCC USE ONLY												

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FEES II 06/28/93
GENERAL ARGUMENT QUERY

Fee Control Number: [9307198170025003]
Applicant's Name: [MANTEO BROADCASTING INC]
Correspondence Address (Line 1): [FISHER WAYLAND DDO]
Correspondence Address (Line 2): [1255 23RD STREET NW SUITE 800]
City: [WASHINGTON] State/Country : [DC] ZIP Code: [200370000]
Call Sign: [930309MM] Data Changed Flag: [N] Debar Flag: [N]

(1) Fee Type Code:	MWR	Fee Multiple:	0001	Fee Due:	\$6760.00
(2) Fee Type Code:		Fee Multiple:	0000	Fee Due:	\$0.00
(3) Fee Type Code:		Fee Multiple:	0000	Fee Due:	\$0.00
(4) Fee Type Code:		Fee Multiple:	0000	Fee Due:	\$0.00
(5) Fee Type Code:		Fee Multiple:	0000	Fee Due:	\$0.00
Total Amount Remitted:		\$	6760.00	Overage Amount:	\$ 0.00
Current Amount:		\$	6760.00	Check Flag:	

Waiver: Status: Refund: Payment:
Press S for next screen

1 row(s) found

This is the fee payment record

3/27/98

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

RECEIVED

OCT - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Aaron P. Shainis, Esquire
Shainis & Peltzman, Chartered
1901 L Street, N.W.
Suite 290
Washington, D.C. 20036

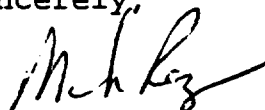
Re: Fiscal Year 1997 Regulatory Fee
Marathon Media of Montana, L.P.
Radio Stations KGHL and KIDX
American Cities Broadcasting, L.P.
Radio Station KZMT

Dear Mr. Shainis:

This is in response to your letters concerning the Fiscal Year (FY) 1997 regulatory fees for the above referenced radio stations. The Commission's records confirm that the assignments of the licenses for Radio Stations KGHL, KIDX and KZMT were not consummated until after September 19, 1997. Thus, Marathon Media of Montana and American Cities Broadcasting are not subject to the FY 1997 regulatory fees.

If you have any questions concerning the regulatory fees, please call the Chief, Fee Section at (202) 418-1995.

Sincerely,



Mark Reger
Chief Financial Officer

000000BCB-98-048

RECEIVED

Shainis

Shainis & Meltzman, Chartered

MAY - 7 1998

Counselors at Law
Suite 290
1901 I Street, N.W.
Washington, D.C. 20036

Shainis
Federal Communications Commission
Office of Secretary

Aaron P. Shainis
Lee J. Meltzman

(202) 293-0011
Fax (202) 293-0810

Of Counsel
William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keltner

May 7, 1998

Regina W. Dorsey
Chief, Billings & Collection Branch
Federal Communications Commission
Room 452
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
MAY 12 9 49 AM '98
FEDERAL COMMUNICATIONS COMMISSION
FEE SECTION

Re: KIDX(FM)
Billings, Montana

Dear Ms. Dorsey:

Marathon Media of Montana, L.P. licensee of Station KIDX(FM), Billings, Montana respectfully responds to your letter of April 21, 1998 (copy attached).

Enclosed are submissions of November 24, 1997 reflecting that the assignments BALH-970521EC and BALH-971010EK (copies attached) occurred on November 7, 1997. Accordingly, the licensee at the time the regulatory fees were due was One-on-One Sports Radio Stations, Inc.

If you have any questions don't hesitate to contact me.

Sincerely,

Aaron P. Shainis

Aaron P. Shainis
Counsel for
MARATHON MEDIA OF
MONTANA, L.P.

Enclosure

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

MAY - 7 1998

APR 21 1998

OFFICE OF
MANAGING DIRECTOR

Federal Communications Commission
Office of Secretary

MARATHON MEDIA OF MONTANA, L.P.
KIDX-FM
101 West Grand, Suite 600
Chicago, IL 60610

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

KIDX-FM


Billings, MT

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$1,200 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1,500 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

RECEIVED

Shainis & Heltzman, Chartered

NOV 24 1997

Counselors at Law

Federal Communications Commission
Office of Secretary

Suite 290

1901 I Street, N.W.
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

November 24, 1997

Aaron P. Shainis
Lee J. Heltzman

Of Counsel

William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: KGHL(AM)
File No. BAL-970521EB
(FCC Form 314 Assignment)
Billings, Montana

KIDX(FM)
File No. BALH-970521EC
(FCC Form 314 Assignment)
Billings, Montana

KCAP(AM)
File No. BAL-970521ED
(FCC Form 314 Assignment)
Helena, Montana

KZMT(FM)
File No. BALH-970521EE
(FCC Form 314 Assignment)
Helena, Montana

Dear Mr. Caton:

This letter serves to notify the Commission that the Closings on the above-referenced assignments from One-on-One Sports Radio Stations, Inc. to American Cities Broadcasting, L.P., took place on November 7, 1997.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,


Aaron P. Shainis

cc: Donice Tate
FCC - Room 332

D.MONTANA314.ALM

STAMP AND RETURN

RECEIVED

Shainis & Heltzman, Chartered NOV 24 1997

Counselors at Law

Federal Communications Commission
Office of Secretary

Suite 290
1901 F Street, N.W.
Washington, D.C. 20036

(202) 293-0011
Fax (202) 293-0810

Aaron P. Shainis
Lee J. Heltzman

Of Counsel
William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

November 24, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: KGHL(AM)
File No. BAL-971010EJ
Billings, Montana

KIDX(FM)
File No. BALH-971010EK
Billings, Montana

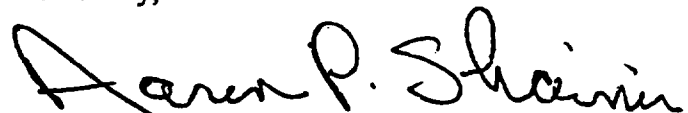
(FCC Form 316 Assignments)

Dear Mr. Caton:

This letter seeks to notify the Commission that the above-referenced assignments from American Cities Broadcasting, L.P. to Marathon Media of Montana, L.P., a Delaware Limited Partnership, occurred on November 7, 1997.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,



Aaron P. Shainis

cc: Donice Tate
FCC - Room 332

STAMP AND RETURN

D.MONTANA316.ALM

000000BCB-98-047

Shainis & Heltzman, Chartered

Counselors at Law

Suite 290

1901 I Street, N.W.
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

Aaron P. Shainis
Lee J. Heltzman

Of Counsel

William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

May 7, 1998

Regina W. Dorsey
Chief, Billings & Collections Branch
Federal Communications Commission
Room 452
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED

MAY - 7 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: KZMT
Helena, Montana

Dear Ms. Dorsey:

American Cities Broadcasting, L.P., former licensee of Station KZMT, Helena, Montana respectfully responds to your letter of April 21, 1998 (copy attached).

Enclosed is a submission of November 24, 1997 reflecting that the assignment BALH-970521EE (copy attached) occurred on November 7, 1997. Accordingly, the licensee at the time the regulatory fees were due was One-on-One Sports Radio Stations, Inc.

If you have any questions don't hesitate to contact me.

Sincerely,

Aaron P. Shainis

Aaron P. Shainis
Counsel for
AMERICAN CITIES
BROADCASTING, L.P.

Enclosure

D.HELENA Reg Fee.ALM

ORIGINAL

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

MAY - 7 1998

OFFICE OF
MANAGING DIRECTOR

APR 21 1998

Federal Communications Commission
Office of Secretary

American Cities Broadcasting, L.P.
KZMT FM
101 West Grand
Chicago, IL 60610

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

KZMT

Helena, MT

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$1,000 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1,250 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

RECEIVED

Shainis & Heltzman, Chartered

NOV 24 1997

Counselors at Law

Federal Communications Commission
Office of Secretary

Suite 290
1901 I Street, N.W.
Washington, D.C. 20036

(202) 293-0011
Fax (202) 293-0810

Aaron P. Shainis
Lee J. Heltzman

November 24, 1997

Of Counsel

William H. DuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: KGHL(AM)
File No. BAL-970521EB
(FCC Form 314 Assignment)
Billings, Montana

KIDX(FM)
File No. BALH-970521EC
(FCC Form 314 Assignment)
Billings, Montana

KCAP(AM)
File No. BAL-970521ED
(FCC Form 314 Assignment)
Helena, Montana


KZMT(FM)
File No. BALH-970521EE
(FCC Form 314 Assignment)
Helena, Montana

Dear Mr. Caton:

This letter serves to notify the Commission that the Closings on the above-referenced assignments from One-on-One Sports Radio Stations, Inc. to American Cities Broadcasting, L.P., took place on November 7, 1997.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,


Aaron P. Shainis

cc: Donice Tate
FCC - Room 332

D.MONTANA314.ALM

STAMP AND RETURN

Shainis & Heltzman, Chartered MAY - 7 1998

Counselors at Law

Suite 290

1901 I Street, N.W.
Washington, D.C. 20036

(202) 293-0011

Fax (202) 293-0810

Federal Communications Commission
Office of Secretary

Of Counsel

William H. BuRoss, III

Ruth S. Baker-Battist

Robert J. Keller

Jenny

Aaron P. Shainis
Lee J. Heltzman

May 7, 1998

Regina W. Dorsey
Chief, Billings & Collections Branch
Federal Communications Commission
Room 452
1919 M Street, N.W.
Washington, D.C. 20554

Re: KGHL(AM)
Billings, Montana

RECEIVED
MAY 12 9 46 AM '98
FEDERAL COMMUNICATIONS COMMISSION

Dear Ms. Dorsey:

Marathon Media of Montana, L.P., licensee of Station KGHL(AM), Billings, Montana, respectfully responds to your letter of April 21, 1998 (copy attached).

Enclosed are submissions of November 24, 1997 reflecting that the assignment BAL-970521EB and BAL-971010EJ (copies attached) occurred on November 7, 1997. Accordingly, the licensee at the time the regulatory fees were due was One-on-One Sports Radio Stations, Inc.

If you have any questions don't hesitate to contact me.

Sincerely,

Aaron P. Shainis

Aaron P. Shainis

Counsel for

MARATHON MEDIA OF MONTANA, L.P.

Enclosure

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

MAY - 7 1998

OFFICE OF
MANAGING DIRECTOR

APR 21 1998

Federal Communications Commission
Office of Secretary

MARATHON MEDIA OF MONTANA, L.P.
KGHL-AM
101 West Grand, Suite 600
Chicago, IL 60610

Dear Gentlemen:

This letter is in reference to the 1997 regulatory fee(s) for which payments were due to the Federal Communications Commission (FCC) on September 19, 1997. You were advised by letter dated March 6, 1998, that an examination of the FCC's records indicated that there was no record of payment of the regulatory fee(s) for the following station(s).

KGHL-AM

Billings, MT

You were requested to either submit payment, or in the alternative, to submit proof of payment or documentation establishing that you are exempt from the regulatory fee requirement.

Payment of the \$800 1997 regulatory fee, and the 25% late payment penalty assessed under 47 C.F.R. § 1.1164, are now due. Payment in full of \$1,000 should be remitted with the enclosed Form 159 to the Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835, pursuant to instructions on the Form 159. You should also review your records to ensure that payments are made for auxiliary stations associated with the referenced call sign, for any other call signs assigned to you, or for any prior fiscal years for which payments are due. You should submit all payments, together with the 25% late payment penalties, within 30 days from the date of this letter.

You are cautioned that failure to pay the regulatory fees and penalties as described above may subject you to revocation of any existing instrument of authorization, and result in the imposition of further sanctions under 47 C.F.R. § 1.1164. If you have any questions concerning the fees, you may call me at (202) 418-1995.

Sincerely,



Regina W. Dorsey, Chief
Billings & Collections Branch

Enclosure

RECEIVED

Shainis & Heltzman, Chartered

NOV 24 1997

Counselors at Law

Federal Communications Commission
Office of Secretary

Suite 290
1901 F Street, N.W.
Washington, D.C. 20036

(202) 293-0011
Fax (202) 293-0810

November 24, 1997

Aaron P. Shainis
Lee J. Heltzman

Of Counsel
William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: KGHL(AM)
File No. BAL-970521EB
(FCC Form 314 Assignment)
Billings, Montana

KIDX(FM)
File No. BALH-970521EC
(FCC Form 314 Assignment)
Billings, Montana

KCAP(AM)
File No. BAL-970521ED
(FCC Form 314 Assignment)
Helena, Montana


KZMT(FM)
File No. BALH-970521EE
(FCC Form 314 Assignment)
Helena, Montana

Dear Mr. Caton:

This letter serves to notify the Commission that the Closings on the above-referenced assignments from One-on-One Sports Radio Stations, Inc. to American Cities Broadcasting, L.P., took place on November 7, 1997.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,


Aaron P. Shainis

cc: Donice Tate
FCC - Room 332

D.MONTANA314.ALM

STAMP AND RETURN

RECEIVED

Shainis & Heltzman, Chartered

NOV 24 1997

Counselors at Law

Federal Communications Commission
Office of Secretary

Suite 290

1901 F Street, N.W.
Washington, D.C. 20036

(202) 293-0011
Fax (202) 293-0810

Aaron P. Shainis
Lee J. Heltzman

Of Counsel

William H. BuRoss, III
Ruth S. Baker-Battist
Robert J. Keller

November 24, 1997

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

Re: KGHL(AM)
File No. BAL-971010EJ
Billings, Montana

KIDX(FM)
File No. BALH-971010EK
Billings, Montana

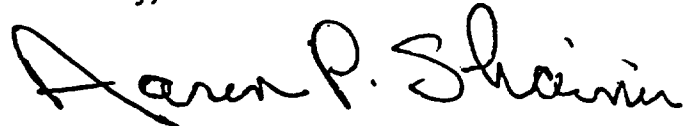
(FCC Form 316 Assignments)

Dear Mr. Caton:

This letter seeks to notify the Commission that the above-referenced assignments from American Cities Broadcasting, L.P. to Marathon Media of Montana, L.P., a Delaware Limited Partnership, occurred on November 7, 1997.

If there are any questions with respect to this matter, please communicate with the undersigned.

Sincerely,


Aaron P. Shainis

cc: Donice Tate
FCC - Room 332

STAMP AND RETURN

D.MONTANA316.ALM

9607198195350001

JAN 20 1998

DAVID TILLOTSON
Attorney at Law

Federal Communications Commission
Office of Secretary

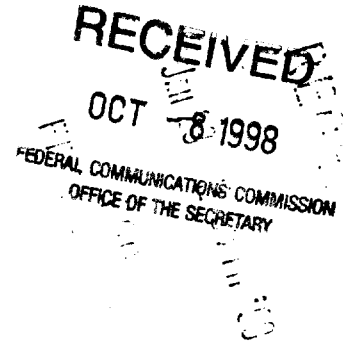
3421 M Street, N.W., #1739
Washington, D.C. 20007

Telephone: (202) 625-6241
Facsimile: (202) 965-2018

January 20, 1998

WAIVER

Mr. Andrew Fishel, Managing Director
Federal Communications Commission
1919 M Street, N.W., Room 852
Washington, DC 20554



Re: Request for Filing Fee Refund -BPH-960718ME

Dear Mr. Fishel:

I am writing on behalf of Jack and Lucinda Martin to request a refund of the \$2,335.00 filing fee that they paid in connection with their above-referenced application for a new FM station to operate on Channel 296C3 at Shasta Lake City, California.

The Commission charges filing fees for applications for new broadcast facilities to defray its costs of processing applications. Because of the freeze on processing mutually exclusive applications which has been in effect as a consequence of the decision of the United States Court of Appeals in *Bechtel v. FCC*, 957 F. 2d 929 (D.C. Cir. 1992), the Martins' application has never received any processing. Moreover, at the time the Martins filed their application, they did so in response to a window filing notice which stated that the Shasta Lake City channel would be awarded by comparative hearing. However, pursuant to amendments to the Communications Act which were enacted as part of the Balanced Budget Act of 1997, the Commission is no longer authorized to award new broadcast channels by comparative hearing, but instead, is required to award them by auction. In light of this change in the procedures by which the Shasta Lake City channel is to be awarded, the Martins have entered into a global settlement with the other applicants for the channel pursuant to which they have agreed to dismiss their application in consideration of receiving a monetary payment. A Joint Petition for approval of this Global Settlement was filed with the Commission on December 15, 1997.

As the Martins' application has received no processing, and will not receive any processing as the Hills have requested dismissal of their application, there is no basis for the Commission to retain the Martins' filing fee which was paid to defray the costs of the processing that their application never received. It is particularly appropriate that the Commission should refund the Martins' filing fee since the Martins' decision to withdraw their application resulted from a fundamental change in the methodology that the Commission will use to award the Shasta Lake

Received
June '98 TP

City channel that was made long after their application was filed. In these circumstances, it would be fair to say that the fee was collected from them under false pretenses. Accordingly, it is requested that the Martins' \$2,335.00 filing fee for their Shasta Lake City FM application be promptly refunded.

If you have any questions concerning this request, please call me.

Sincerely,



David Tillotson

c: Jeff Martin (via fax)

Payment Transactions Detail Report

Date: 7/2/96

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9607198195350001	MARTIN, JOHN P 268 NICOLAS DRIVE	FCC2024481	07/18/96

ARCATA CA 95521

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,335.00	\$2,335.00	1	MTR	1	NEW	MARTIN, JOHN P:MARTIN, C LUCIL	95521		\$2,335.00	1	PMT
Total	1								\$2,335.00		

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

August 5, 1998

OFFICE OF
MANAGING DIRECTOR

David Tillotson, Esquire
3421 M Street, N.W.
Suite 1739
Washington, D.C. 20007

Re: Jack and Lucinda Martin
New FM Station
Shasta Lake City, California
Fee Control # 9607198195350001

Dear Mr. Tillotson:

This will respond to your request for refund of the \$2,335.00 filing fee submitted on behalf of Jack and Lucinda Martin ("Martins") in connection with their application for a new FM station on Channel 296C3 at Shasta Lake City, California.

You maintain that the Martins are entitled to a refund of their filing fee because Section 3002 of the Balanced Budget Amendment of 1997 mandated that broadcast licenses be awarded in accordance with a competitive bidding scheme, because mutually exclusive broadcast licenses are subject to a freeze, and because the Martins have entered into a settlement agreement under which they have agreed to dismiss their application.

Section 3002, codified as 47 U.S.C. § 309(l), authorizes the Commission to auction "initial licenses or construction permits for commercial radio or television stations that were filed with the Commission before July 1, 1997" The Commission initiated a rulemaking proceeding to implement its general auction authority under 47 U.S.C. § 309(j), and specifically solicited comment on its proposal to implement Section 3002, 47 U.S.C. § 309(l), by using a competitive bidding scheme to decide all pending broadcast applications. See Notice of Proposed Rulemaking: Implementation of Section 309(j) of the Communications Act -- Competitive Bidding for Commercial Broadcast and Instructional Television Fixed Service Licenses, 12 FCC Rcd 22363, 22369-70 (1997).

In view of its proposal not to conduct hearings with respect to pending broadcast applications, the Commission also proposed to refund the hearing as well as the filing fees of any applicant that ultimately chooses not to participate in the auction and makes a refund request. Specifically, the Commission stated, "All such refunds would be paid once the grant of the construction permit to the winning bidder is final and the license has been

Mr. Tillotson

Page 2

paid for in full." Id. At this juncture, however, the Commission merely has proposed to use auctions to resolve pending applications for new broadcast stations. Under the circumstances, given that the rulemaking is pending and that there is no final Commission decision with respect to pending broadcast applications and/or refunds, your refund request is premature.

Accordingly, at this time, your request is being denied without prejudice. In the event the Commission determines filing fee refunds are appropriate, you may refile your request in accordance with the Commission's decision.

If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 418-1995.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mark Reger", written in a cursive style.

Mark Reger
Chief Financial Officer

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

OFFICE OF
MANAGING DIRECTOR

JUL 14 1998

RECEIVED
OCT - 8 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Bob Martin
President
Martin Communications
P.O. Box 1268
Chickasha, OK 73023

Re: Request for Refund of Regulatory Fee
Fee Control # 9709198835477001
Fee Paid: \$2,200

Dear Mr. Martin:

This is in response to your request for a waiver and refund of the Fiscal year (FY) 1997 regulatory fees for AM Radio Station KWCO and FM Radio Station KXXK, Chickasha, Oklahoma. You argue that the stations lost money and, in support, you submitted Income Statements and Schedules of Expenses for the periods ending December 31, 1996 and December 31, 1997, and a Cash Flow Statement for 1997.

You further request that the financial data submitted be granted confidential protection from public disclosure. Your request for confidentiality is granted. The financial data submitted will not be routinely available for public inspection.

In establishing its regulatory fee program, the Commission recognized that in certain instances payment of a regulatory fee may impose an undue financial hardship upon a licensee. Thus, the Commission decided to grant waivers or reductions of its regulatory fees in those instances where a "petitioner presents a compelling case of financial hardship." Implementation of Section 9 of the Communications Act, 9 FCC Rcd 5333, 5346 (1994), reconsideration granted, 10 FCC Rcd 12759 (1995).

In determining whether a licensee has sufficient revenues to pay its regulatory fees, the Commission relies upon a licensee's cash flow, as opposed to the entity's profits. Thus, although deductions for amortization and depreciation, which do not affect cash flow, and payments to principals, reduce gross income for tax purposes, those deductions also represent money which is considered to be available to pay the regulatory fee.

The documents establish that Martin Communications had financial losses in both 1996 and 1997, and that the licensee had a positive cash flow in 1997 only because of loans from its principals. Under these circumstances, Martin Communications has

Mr. Bob Martin


2

established a pattern of financial losses constituting a compelling case of financial hardship and meriting a waiver of the FY 1997 regulatory fees.

The waiver, however, is limited to the FY 1997 regulatory fees. If Martin Communications continues to experience financial hardship, you may request waivers of the regulatory fees for FY 1998 and succeeding years supported by appropriate documentation.

A check, made payable to the maker of the original check, and drawn in the amount of \$2,200, will be sent to you at the earliest practicable time. If you have any questions concerning the refund, please call the Chief, Fee Section, at (202) 418-1995.

Sincerely,


Thomas M. Holleran
Acting Associate Managing
Director - Financial Operations

Payment Transactions Detail Report

Date: 10/16/97

Jerry

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Account Number	Received Date
9709198835477001	MARTIN COMMUNICATIONS INC PO BOX 1268	FCC2043640	09/17/97

CHICKASHA OK 73023

Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Callsign Other Id	Applicant Name	Applicant Zip	Bad Check	Detail Amount	Trans Code	Payment Type
\$2,200.00	\$2,200.00	1	MGC7	1	KWCO	MARTIN COMMUNICATIONS INC	73023		\$1,600.00	1	PMT
\$2,200.00	\$2,200.00	2	MGH7	1	KXXK	MARTIN COMMUNICATIONS INC	73023		\$600.00	1	PMT
Total 2									\$2,200.00		

KWCO 1560 AM

P.O. Box 1268
Chickasha, OK 73023
405/224-1560
FAX: 224-2890



September 15, 1997

Federal Communications Commission
Washington, DC

Gentlemen:

~~Enclosed, you will find necessary documentation and check for 1997~~
Media Regulatory Fees assessed.

Martin Communications is requesting a refund of payment based on the
following hardship.

Since assuming ownership of KWCO KXXXK, the stations have lost money.
In 1996 that loss totaled \$54,524.50. In addition, so far in 1997
the stations have losses of \$21,209.03.

I am enclosing exhibits to indicate these losses. With the additional
fees imposed this will create an even greater hardship. We have cut
expenses in an effort to keep the stations on the air and provide the
residents of the area with the local information and news that they
are entitled to have.

Please treat this information confidentially.

Thank you in advance for your consideration in this matter. If further
information is needed, please feel free to contact me.

Sincerely,

Robert T. Martin
President
Martin Communications

cc: file
encls.

The Winners
